

SOLICITOR

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TO:	Mail Stop 8	SEP 15 2008	REPORT ON THE
	Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	U.S. PATENT & TRADEMARK OFFICE	FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court District of Arizona on the following ☐ Patents or ☐ Trademarks:

DOCKET NO. CV08-01659-PHX-MHB	DATE FILED 9/9/2008	U.S. DISTRICT COURT District of Arizona
PLAINTIFF I-Flow Corporation		DEFENDANT AIM Enterprises, Inc
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE ATTACHED		
2 5,284,481		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK RICHARD H. WEARE	(BY) DEPUTY CLERK s/H. Hand	DATE 9/10/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

25MAG, STD

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:08-cv-01659-MHB
Internal Use Only**

I-Flow Corporation v. AIM Enterprises, Inc
Assigned to: Magistrate Judge Michelle H Burns
Cause: 35:271 Patent Infringement

Date Filed: 09/09/2008
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

I-Flow Corporation
a Delaware corporation

represented by **Geoffrey Mark Trachtenberg**
Levenbaum & Cohen
362 N 3rd Ave
Phoenix , AZ 85003-1521
602-271-0183
Fax: 602-271-4018
Email: gmt@lclegal.com
ATTORNEY TO BE NOTICED

V.

Defendant

AIM Enterprises, Inc
an Arizona corporation

Date Filed	#	Docket Text
09/09/2008	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 0970000000002211403, filed by AIM ENTERPRISES, INC., I-Flow Corporation. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons)(Trachtenberg, Geoffrey) (Entered: 09/09/2008)
09/09/2008	<u>2</u>	Corporate Disclosure Statement by I-Flow Corporation. (Trachtenberg, Geoffrey) (Entered: 09/09/2008)
09/09/2008		This case has been assigned to the Honorable Michelle H. Burns. All future pleadings or documents should bear the correct case number: CV08-01659-PHX-MHB. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (HIH) (Entered: 09/10/2008)
09/09/2008	<u>3</u>	Magistrate Election Form Deadline (Attachments: # <u>1</u> Instructions)(HIH) (Entered: 09/10/2008)

09/10/2008	<u>4</u>	Summons Issued as to AIM Enterprises, Inc. (HIH). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 09/10/2008)
09/10/2008		(Court only) Copy of document number 1 & Docket mailed to US Patent & Trademark Office on this date. (HIH) (Entered: 09/10/2008)

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4 Phoenix, Arizona 85003
5 Telephone: (602) 271-0183
6 Facsimile: (602) 271-4018
7 E-mail: gmt@lclegal.com

8 Attorneys for Plaintiff
9 I-FLOW CORPORATION
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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**
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15

16 I-FLOW CORPORATION, a Delaware
17 corporation,

18 Plaintiff,

19 v.

20 AIM ENTERPRISES, INC., an
21 Arizona corporation.

22 Defendants.
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Case No. 2:08-CV-1659

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff I-FLOW CORPORATION ("I-Flow") hereby complains of
2 Defendant AIM ENTERPRISES, INC. ("AIM"), and alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Patent Laws of the United States, Title 35
5 of the United States Code.

6 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331,
7 1338,.

8 3. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and
9 1400(b).

10 **THE PARTIES**

11 4. Plaintiff I-Flow is a corporation organized and existing under the laws
12 of the State of Delaware, having its principal place of business at 20202 Windrow
13 Drive, Lake Forest, CA 92630.

14 5. I-Flow is informed and believes, and thereon alleges, that Defendant
15 AIM is a corporation organized and existing under the laws of the State of Arizona,
16 having a place of business at 5801 S. McClintock Drive, Suite 110, Tempe,
17 Arizona 85283.

18 6. I-Flow is informed and believes, and thereon alleges, that AIM
19 conducts business in this Judicial District, and have committed the acts complained
20 of in this Judicial District and elsewhere.

21 **ALLEGATIONS FOR ALL CLAIMS FOR RELIEF**

22 7. On February 8, 1994, the U.S. Patent and Trademark Office ("PTO")
23 duly and lawfully issued U.S. Patent No. 5,284,481 entitled "Compact Collapsible
24 Infusion Apparatus" (the "'481 patent"). I-Flow is the owner by assignment of the
25 '481 patent. A copy of the '481 patent is attached hereto as Exhibit A.

26 8. The SOLACETM Post-Operative Pain Relief Infusion System,
27 marketed by AIM, includes an infusion pump (the "SOLACETM Infusion Pump")
28 that is covered by the '481 patent.

9. I-Flow is informed and believes, and thereon alleges, that AIM, through its agents, employees and servants, has infringed I-Flow's patent rights through their making, using, selling, importing and/or offering to sell infusion pumps such as the SOLACE™ Infusion Pump. Furthermore, this infringement has been willful, Defendants having actual knowledge of I-Flow's patent rights.

10. I-Flow is informed and believes, and on that basis alleges, that AIM uses, sells and offers for sale pain management devices, including, but not limited to, the SOLACETM Infusion Pump.

11. By the aforesaid acts of Defendant, I-Flow has been greatly damaged, and will continue to be irreparably damaged unless Defendants are enjoined by the Court.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 5,284,481)

12. I-Flow repeats, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 11 of this Complaint.

13. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

14. I-Flow is informed and believes, and thereon alleges, that Defendant AIM, through its agents, employees and servants, has been and is currently willfully and intentionally infringing the '481 patent by using, selling, importing, offering to sell and/or inducing others to use infusion pumps, such as the SOLACE™ Infusion Pump, that are covered by at least one claim of the '481 patent. Defendants' acts constitute infringement of the '481 patent in violation of 35 U.S.C. § 271.

15. Defendant AIM has been and is currently committing these acts of infringement without license or other authorization from I-Flow.

16. I-Flow is informed and believes, and thereon alleges, that Defendant AIM's infringement will continue unless enjoined by this Court.

1 17. I-Flow is informed and believes, and thereon alleges, that Defendant
2 AIM has derived and received, and will continue to derive and receive, gains,
3 profits and advantages from the aforesaid acts of infringement in an amount that is
4 not presently known to I-Flow. By reason of the aforesaid infringing acts, I-Flow
5 has been damaged and is entitled to monetary relief in an amount to be determined
6 at trial.

7 18. Because of the aforesaid infringing acts, I-Flow has suffered and
8 continues to suffer great and irreparable injury, for which I-Flow has no adequate
9 remedy at law.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, I-Flow prays for judgment in its favor against Defendants
12 for the following relief:

13 A. An Order adjudging Defendant AIM to have infringed the '481 patent;

14 B. That Defendant AIM, its respective officers, directors, agents, servants,
15 employees and attorneys, and all those persons in active concert or participation with
16 it, be forthwith preliminarily and thereafter permanently enjoined from directly or
17 indirectly infringing the '481 patent;

18 C. That Defendant AIM account for all gains, profits, and advantages
19 derived by its infringement of the '481 patent;

20 D. That a judgment be entered against Defendant AIM awarding I-Flow
21 all damages proven at trial, and in no event less than a reasonable royalty, for
22 infringement of the '481 patent;

23 E. That the damages in this judgment be trebled for Defendant AIM's
24 knowing, intentional and willful infringement of the '481 patent;

25 F. That there be an assessment of pre-judgment and post-judgment
26 interest and costs against Defendant AIM and in favor of I-Flow, and an award of
27 this interest and costs to I-Flow;

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1 G. That this be judged an "exceptional" case within the meaning of 35
2 U.S.C. § 285, and that I-Flow be awarded its attorneys' fees pursuant thereto,
3 recoverable from Defendant;

4 H. For an award to I-Flow of any and all other specific, general, and
5 compensatory damages according to proof;

6 I. For such other and further relief as this Court may deem just.
7

8 LEVENBAUM & COHEN
9

10 Dated: 09/09/08 By: /s/ Geoffrey M. Trachtenberg
11 Geoffrey M. Trachtenberg

12 Attorneys for Plaintiff
13 I-FLOW CORPORATION
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DEMAND FOR TRIAL BY JURY

I-FLOW CORPORATION hereby demands a trial by jury on all issues so triable.

LEVENBAUM & COHEN

Dated: 09/09/08 By: /s/ Geoffrey M. Trachtenberg
Geoffrey M. Trachtenberg

Attorneys for Plaintiff
I-FLOW CORPORATION

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